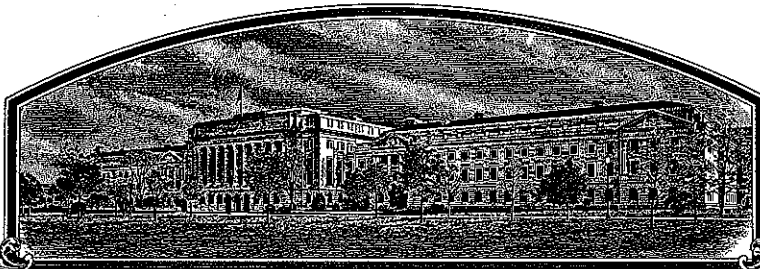


No.

200500095



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

NexGen Turf Research, LLC

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Cortez II'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifth day of June, in the year two thousand and eight.

Attest:

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

Secretary of Agriculture

**U.S. DEPARTMENT OF AGRICULTURE**  
**AGRICULTURAL MARKETING SERVICE**  
**SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE**

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**  
*(Instructions and information collection burden statement on reverse)*

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

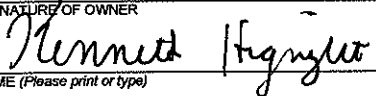
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>NexGen Turf Research, LLC</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>ATF801</b>	3. VARIETY NAME <b>Cortez II</b>										
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>33725 Columbus St. SE. Albany, OR 97322</b>		5. TELEPHONE (include area code) <b>541-967-8923</b>	<table border="1"> <tr><th align="center" colspan="2">FOR OFFICIAL USE ONLY</th></tr> <tr><td align="center" colspan="2">PVPO NUMBER</td></tr> <tr><td align="center" colspan="2"><b>#200500095</b></td></tr> <tr><td align="center" colspan="2">FILING DATE</td></tr> <tr><td align="center" colspan="2"><b>1/18/2005</b></td></tr> </table>	FOR OFFICIAL USE ONLY		PVPO NUMBER		<b>#200500095</b>		FILING DATE		<b>1/18/2005</b>	
FOR OFFICIAL USE ONLY													
PVPO NUMBER													
<b>#200500095</b>													
FILING DATE													
<b>1/18/2005</b>													
6. FAX (include area code) <b>541-967-8223</b>		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>Incorporated</b>											
8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Oregon</b>		9. DATE OF INCORPORATION <b>July 31, 2006</b>											
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>Kenneth Hignight C/O 33725 Columbus St SE. Albany, OR 97322 USA</b>			<table border="1"> <tr><th align="center" colspan="2">FILING AND EXAMINATION FEES:</th></tr> <tr><td align="center" rowspan="4">F E E S  R E C E I V E  D</td><td><b>\$ 3,652.00</b></td></tr> <tr><td><b>DATE 1/18/2005</b></td></tr> <tr><td><b>\$ 768.00</b></td></tr> <tr><td><b>DATE 4/15/2008</b></td></tr> </table>	FILING AND EXAMINATION FEES:		F E E S  R E C E I V E  D	<b>\$ 3,652.00</b>	<b>DATE 1/18/2005</b>	<b>\$ 768.00</b>	<b>DATE 4/15/2008</b>			
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	<b>DATE 1/18/2005</b>												
	<b>\$ 768.00</b>												
	<b>DATE 4/15/2008</b>												
11. TELEPHONE (include area code) <b>(541) 967-8923</b>	12. FAX (include area code) <b>(541) 967-8223</b>	13. E-MAIL											
14. CROP KIND (Common Name) <b>Tall Fescue</b>	16. FAMILY NAME (Botanical) <b>Poaceae</b>	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.											
15. GENUS AND SPECIES NAME OF CROP <b>Festuca arundinacea</b>	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)											
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23) 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)											
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)											

25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER 		SIGNATURE OF OWNER	
NAME (Please print or type) <b>Kenneth Hignight</b>		NAME (Please print or type)	
CAPACITY OR TITLE <b>Director of Research</b>	DATE	CAPACITY OR TITLE <b>Director of Research</b>	DATE

(See reverse for instructions and information collection burden statement)

**Exhibit A:**  
**Origin and Breeding History**  
**Cortez II (ATF801) Tall Fescue**

Cortez II tall fescue (*Festuca arundinacea* Schreb.) is a medium low-growing, dark green, medium-fine-leaved, turf-type tall fescue selected from the maternal progenies of 23 clones. Cortez II was selected for better establishment and medium-late maturity.

The parental germplasm of Cortez II tall fescue traces its origin to plants selected from old turfs of the United States in a germplasm collection program initiated in 1962. Attractive clones were selected from old turfs in Birmingham, AL; Athens, Atlanta, and Milledgeville, GA; Preston, ID; Baltimore, MD; Bayonne, Jersey City, Elizabeth, Princeton, and Cape May, NJ; eastern North Carolina; Philadelphia, PA; Nashville, TN; Lexington, KY; Cincinnati, OH; Dallas, TX; and northern Mississippi. The tall fescue plants selected from old turfs were of unknown origin. All were large patches of turf surviving in stressful environments indicating that they had persisted and developed over a period of many years.

A few hundred attractive, turf-type plants were collected and established in spaced-plant nurseries and/or frequently mowed clonal evaluation trials at Rutgers University. All but a few dozen of the most promising plants were quickly discarded. The best selections were very different from any tall fescue variety in existence at the time of collection. They produced lower-growing turfs with finer leaves, greater density, darker color, and greater tolerance of close mowing.

The most promising plants were identified by their persistence and appearance in old turfs and their performance in spaced-plant nurseries, mowed clonal evaluation tests, and single-plant progeny trials under turf maintenance. Intercrosses of the best performing plants were subjected to varying cycles of phenotypic and genotypic selection depending on their date of collection. New sources of germplasm were added to the breeding program as it became available from the continuing collection program. Each cycle of selection showed continued progress in producing lower-growing, darker green, attractive plants with improved turf performance scores. Selection was also effective in maintaining high seed yields and good stress tolerance. Substantial progress was made in developing tall fescues with finer leaves, a lower growth profile, increased persistence under close mowing, and

increased density.

Large numbers of single-plant progenies were seeded in turf evaluation trials at the Plant Science Research Farm at Adelphia, NJ in 1995, 1996 and 1997. The plants selected for progeny evaluation were selected from spaced-plant nurseries at Adelphia following varying cycles of phenotypic and genotypic selection.

Following the establishment, a period of leaf spot disease, and weekly rolling in 1997, a total of 4,020 tillers were selected from 26 of the best performing single-plant progeny turf plots from the 1997 tall fescue test at Adelphia. These progenies were selected out of 1300 plots from 14 different populations from the 1997 test. In addition to the 4,020 plants, six-hundred plants were selected from the earliest maturing, best performing turf plots from the 1995 and 1996 tall fescue test at Adelphia. Thirteen single-plant progeny turf plots were selected from the 1995 test, and 17 from the 1996 tall fescue test at Adelphia. These were chosen from 2,085 plots from 21 different populations. These plants were established in greenhouse flats prior to their transfer to a spaced-plant nursery in the spring of 1998. Selection was based on performance records as well as appearance at the time the plants were selected from these progeny plots. Selection of plants from each progeny was based on an attractive dark green color, medium-fine leaves, abundant tillering and freedom from disease. In the spring of 1999, sixty-nine plants were selected from those nurseries for characteristics such as medium-early maturity, dark green color, high shoot density, semi-dwarf growth habit and freedom from disease. The selected plants were moved prior to anthesis, to an isolated crossing block at Adelphia. A total of fifty-nine plants with the best floret fertility and highest seed yield from twenty-one different mother lines were harvested. In the fall of 1999, one turf plot of each line was established at Adelphia.

In the fall of 1999 a single spaced plant nursery was established containing 69 plants of 59 progeny lines (3,540 plants) in Albany, Oregon. In the spring of 2000, seventeen plants were selected from the spaced plant nursery. The selection criteria was based on dark green genetic color, crown density, freedom from stem rust (*Puccinia graminis*), freedom from leaf spot, heading date, and leaf texture. The seventeen plants were moved together in isolation and were harvested in bulk in 2000 and designated ATF801

In the fall of 2000 an increase block of ATF801 was established. In 2001 negative mass selection was used and 1.7% of the plants were rogued from the population. The remaining plants

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were harvested in bulk and designated breeder seed. This seed was used to establish a morphological nursery for Plant Variety Protection (PVP) measurements.

2. Breeder Seed Maintenance:

A breeder seed multiplication was planted in isolation in 2000 in Albany, Oregon. Seed was harvested in bulk in 2001 and is maintained in cold storage. Seed propagation is limited to three generations, one each of foundation, registered, and certified.

3. Stability and Uniformity:

Cortez II has been a stable uniform cultivar over two generations. No off-type or variant plants have been observed during the multiplication or reproduction. Turf plots and foundation class fields of Cortez II have been uniform and stable.  
(BT: 7/18/2007)

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**Exhibit A** (addendum): Statement of Stability and Uniformity for Cortez II Tall Fescue

Cortez II has been a stable uniform cultivar over two generations. No off-type or variant plants have been observed during the multiplication or reproduction. During the breeder seed multiplication 1.7% of the plants were removed to improve the uniformity of the population. The plants that were removed showed less vigor and had poor plant health. It is not known if the lack of vigor was due to environmental factors, genetic factors, or an environment by genetic interaction. These types were not observed during the subsequent generations. Turf plots of Cortez II have been uniform and stable.

**Exhibit B:****Novelty Statement of Cortez II (ATF801) Tall Fescue**

The following summary outlines the distinctive characteristics of Cortez II. The novelty of Cortez II is based on the unique combination of these characteristics. Cortez II is most similar to Rebel II, but may be differentiated by using the following criteria:

- a. The genetic color of Cortez II is darker compared to Rebel II (tables 1A, 1B).
- b. Cortez II has a mature plant height at least 26 cm shorter than Rebel II (tables 1A, 1B).
- c. The flag leaf characteristics for Cortez II; height, width, length, sheath length and internode length are all less compared to Rebel II (tables 1A, 1B).
- d. The panicle length is at least 16 cm shorter for Cortez II compared to Rebel II (tables 1A, 1B).
- e. The leaf blade characteristics for Cortez II; height, length, sheath length and width are all less compared to Rebel II (tables 1A, 1B).
- f. The length of the panicle from the lower most whorl to the apex is shorter for Cortez II than Rebel II (tables 2A, 2B, illus. 1).
- g. The lemma characteristics of Cortez II; length, width and awn length are all shorter compared to Rebel II (tables 2A, 2B).
- h. Cortez II has a palea length and width that is less than Rebel II (tables 2A, 2B).
- i. Cortez II has fewer spikelets per panicle compared to Rebel II (tables 2A, 2B).
- j. The distance between the two lower most whorls for Cortez II is shorter compared to Rebel II (tables 2A, 2B, illus.1).
- k. The length of the longest branch of the lower most whorl is shorter for Cortez II compared to Rebel II (tables 2A, 2B).



Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitton Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY PROGRAM  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT C  
(TALL & MEADOW FESCUES)**

**OBJECTIVE DESCRIPTION OF VARIETY  
TALL & MEADOW FESCUES  
(*Festuca* spp.)**

NAME OF APPLICANT(S) NexGen Turf Research, LLC <del>c/o Kenneth Hignight</del> (BT: 8/18/2008)	TEMPORARY DESIGNATION ATF801	VARIETY NAME Cortez II
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) Kenneth Hignight c/o 33725 Columbus St. S. E. Albany, OR 97322		FOR OFFICIAL USE ONLY PVPO NUMBER <b>#200500095</b>

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk \* are characteristics which should be recorded.

\* 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)

  X   1 = *F. arundinacea* (Tall)

**Turf Types**

1 = Kentucky 31   2 = Rebel   3 = Olympic   4 = Bonanza   5 = Arid   6 = Rebel II  
7 = Shortstop   8 = Silverado   9 = Rebel Jr.   10 = Mini Mustang   11 = Crewcut   12 = Bonsai

**Forage Types**

20 = Kentucky 31   21 = Martin   22 = Forager   23 = Mozark  
24 = Kenhy   25 = AU Triumph   26 = Fawn   27 = Cajun

       2 = *F. pratensis* (Meadow)

30 = Admira   31 = Beaumont   32 = Comtessa   33 = Ensign   34 = Trader

\* 2. CYTOLOGY:

       42        Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

  2   Transition Zone     2   West     2   Northeast          Other (Specify):       

\* 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)

  6   Maturity Class   1 = Very early (   )   2 = AU Triumph   3 = Early (Fawn)   4 = K31, Kenhy   5 = Medium (Rebel)

4. MATURITY: (continued)

4. MATURITY: (continued)

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6 = Bonanza

7 = Late (Silverado)

8 = ( )

9 = Very late

Date Headed <sup>28.00</sup><sub>38.33</sub> days after April 1, \_\_\_\_\_  
(BT: 4/29/2007)

Location \_\_\_\_\_ Albany, OR \_\_\_\_\_

\_\_\_\_\_ Days earlier than \_\_\_\_\_  
Maturity same as 6  
\_\_\_\_\_ Days later than \_\_\_\_\_  
Comparison Variety

\* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms from crown to top of panicle, if panicle is nodding, straighten)

\* INTERNODE LENGTH CM: (First internode subtending the flag leaf)

86.73 cm Height

15.30 cm InternodeLength

26.80 cm Shorter than 6  
Height same as \_\_\_\_\_  
\_\_\_\_\_ cm Taller than \_\_\_\_\_  
Comparison Variety

7.13 cm Shorter than 6  
Length same as \_\_\_\_\_  
\_\_\_\_\_ cm Longer than \_\_\_\_\_  
Comparison Variety

\* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf node)

37.28 cm Height

17.10 cm Shorter than 6  
Height same as \_\_\_\_\_  
\_\_\_\_\_ cm Taller than \_\_\_\_\_  
Comparison Variety

\* 6. GROWTH HABIT: (Mature Plants)

7 1 = Prostrate ( )

3 = Semiprostrate ( )

5 = Horizontal ( )

7 = Semierect (Rebel)

9 = Erect (Mini Mustang)

\* 7. RHIZOMES (Psuedo):

\_\_\_\_\_ mm Length 2 1 = Absent ( ) 2 = Rare (Rebel) 3 = Common ( )

\* 8. LEAF BLADE: (Tiller leaves/ turf color)

\* 7 Color: 1 = Light green ( ) 3 = Medium light green ( ) 5 = Green ( )

7 = Medium dark green ( ) 9 = Very dark green ( )

4 Specify rating of comparison variety

\* 1 Anthocyanin: 1 = Absent ( ) 9 = Present ( )

\* 1 Basal Hairs: 1 = Absent ( ) 9 = Present ( )

\* 1 Margins: 1 = Smooth ( ) 5 = Semi-rough ( ) 9 = Rough ( )

## 8. LEAF BLADE: (continued)

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\* 7 Width Class: 1 = Very coarse ( ) 3 = Coarse ( ) 5 = Medium ( )

7 = Fine ( ) 9 = Very Fine ( )

\* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf)

\* TILLER LEAF WIDTH MM:

22.38 cm Tiller Leaf Length7.68 mm Tiller Leaf Width11.90 cm Shorter than 62.20 mm Narrower than 6

Length same as

Width same as

Comparison Variety

Comparison Variety

  cm Taller than    mm Longer than  

FLAG LEAF LENGTH CM:

FLAG LEAF WIDTH MM:

30.53 cm Flag Leaf Length5.25 mm Flag Leaf Width11.97 cm Shorter than 61.48 mm Narrower than 6

Length same as

Width same as

Comparison Variety

Comparison Variety

  cm Longer than    mm Wider than  

\* 9. LEAF SHEATH: (Basal Portion)

\* 1 Anthocyanin (seedling): 1 = Absent (K31) 9 = Present ( )\* 9 Auricle Hairiness: 1 = Absent ( ) 9 = Present ( )

\* 10. PANICLE: (At seed maturity except where noted.)

\* 3 Shape: 1 = Narrow-tapering ( ) 5 = Ovate ( ) 7 = Oblong ( ) 9 = Other (specify)\* 5 Type: 1 = Compact (appressed) 5 = Intermediate ( ) 7 = Open ( ) 9 = Other (specify)\* 9 Orientation: 1 = Nodding ( ) 9 = Erect ( )\* 1 Branch Pubescence: 1 = Glabrous ( ) 9 = Pubescent ( )\* 1 Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
4 = Purplish 5 = Reddish 6 = Other (Specify)\* 1 Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green  
4 = Purplish 5 = Reddish 6 = Other (Specify)\* 69.83 cm Panicle Length (from base to tip, if nodding, straighten; after anthesis)16.37 cm Shorter than 6

Length same as

Comparison Variety

  cm Longer than

\* 11. SEED: (With Lemma & Pelea)

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\* 2343 mg per 1000 seeds

\_\_\_\_\_ mg Less than \_\_\_\_\_  
 Weight same as 6  
 \_\_\_\_\_ mg More than \_\_\_\_\_

} Comparison Variety

PALEA: (Keels or Margins) 5 Hairs: 1 = Absent ( ) 5 = Short (Missouri 96) 9 = Long ( )

LEMMA: 5 Hairs: 1 = Absent (Kenhy) 5 = Several ( ) 9 = Many (Missouri 96)

5.43 mm Lemma Length (Mature)

1.45 mm Lemma Width

0.70 mm Shorter than 6  
 Length same as \_\_\_\_\_  
 \_\_\_\_\_ mm Longer than \_\_\_\_\_

} Comparison Variety

0.10 mm Narrower than 6  
 Width same as \_\_\_\_\_  
 \_\_\_\_\_ mm Wider than \_\_\_\_\_

} Comparison Variety

\*AWNS: 9 AWNS: 1 = Absent ( ) 9 = Present (Falcon) 100 % Plants with awns

1.50 mm Awn length (Of those present.)

0.23 mm Shorter than 6  
 Length same as \_\_\_\_\_  
 \_\_\_\_\_ mm Longer than \_\_\_\_\_

} Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

0 Melting-out *Drechslera poae*

0 Blind Seed *Gloeotinia temulenta*

0 Leaf Spot *D. siccan*

0 Dollar Spot *Lanzia, Mollerdiscus* spp.

0 Net Blotch *D. dictyoides*

0 Stem Rust *Puccinia graminis*

0 Brown Patch *Rhizoctonia solani*

0 T. Blight *Typhula incarnata*

0 C. Leaf Spot *Cercospora fectuca*

0 Pythium Blight *Pythium* spp.

0 Pink Snow Mold *Gerlachia nivalis*

0 Powdery Mildew *Erysiphe graminis*

0 Silver Top *F. tricinatum, F. roseum*

0 Crown Rust *Puccinia coronata*

0 Other Disease \_\_\_\_\_

0 Other Insect \_\_\_\_\_

0 Other Nematode \_\_\_\_\_

13. ENVIRONMENTAL STRESS

6 Drought Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

Shade Stress 1 = Susceptible ( ) 5 = Tolerant ( ) 9 = Resistant ( )

\_6\_ Winter Stress      1 = Susceptible ( )      5 = Tolerant ( )      9 = Resistant ( )

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety    2 = Same as    3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	Rebel II	1	Leaf Color	Rebel II	3
Panicle Color	Rebel II	2	Panicle Shape	Rebel II	2
Seed Size	Rebel II	2	Cold Injury	Rebel II	2
Winter Color	Rebel II	3	Heat	Rebel II	2
Disease	Rebel II	3			

\* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

Two morphological nurseries were established in September 2003 and designated 03PVPFA1 and 03PVPFA2. Nursery 03PVPFA1 - Location 1 located in Talbot, Oregon. Nursery 03PVPFA2 - Location 2 located in Albany, Oregon. Soil profile for 03PVPFA1 - Location 1 consists of a Newberg silt loam, well drained, with a pH of 5.8. Soil profile for 03PVPFA2 - Location 2 consists of a Woodburn silt loam, medium-well drained, with a pH of 5.2.

Experimental design consisted of 11 entries; 4 replications per entry; 20 plants per replication; for a total of 80 plants per entry. Crewcut, Forte, KY-31, and Rebel II were used as standards. Plants were established on 2.5 foot centers with a skip row between replications and between entries.

The nurseries received 30 pounds of nitrogen per acre rate following establishment and 50 pounds of nitrogen per acre per year in 2004. The fertilizer source was 15 - 15 - 15 and was applied as a split application with ½ applied in the fall and ½ in the spring. The nurseries were sprayed in the spring with Quilt (2oz/acre rate), to prevent stem rust.

Data was analyzed using analysis of variance for a randomized complete block design. Means were calculated for each replication and then analyzed for tables 1A, 1B, 2A, 2B, 3A, and 3B.

Tables 4A, and 4B data was analyzed using binary data confidence intervals. The confidence intervals are given for the characteristics which expressed significant differences.

**Exhibit D:**  
**Additional Description**  
**Cortez II (ATF801) Tall Fescue**

Cortez II is an improved turf-type tall fescue. It has a shorter mature plant height (tables 1A, 1B) than previously released tall fescue cultivars, such as Six Point, Crewcut, KY-31 and Rebel II. Cortez II has a medium-late maturity with a heading date <sup>earlier</sup> ~~later~~ than ATF804 and <sup>later than</sup> ~~KY-31~~ (tables 1A, 1B). (BT: 12/18/2007) Cortez II exhibits a darker genetic color compared to Falcon IV, Six Point, Crewcut, KY-31 and Rebel II (tables 1A, 1B). The length of the panicle is shorter for Cortez II compared to Six Point, Crewcut, KY-31 and Rebel II, but longer than ATF804 (tables 1A, 1B). The flag leaf characteristics; height, sheath length and internode length are all shorter for Cortez II compared to Six Point, Crewcut, KY-31 and Rebel II (tables 1A, 1B). The leaf blade characteristics; height, length, width and sheath length are shorter for Cortez II compared to Crewcut, KY-31 and Rebel II (tables 1A, 1B). The leaf blade length of Cortez II is also shorter than Six Point but longer than ATF804 (tables 1A, 1B). Cortez II has a shorter palea, glume, and lemma length compared to Crewcut, KY-31, and Rebel II (tables 2A, 2B). The length of the panicle from the lower most whorl to the apex is shorter for Cortez II compared to Six Point, Crewcut, KY-31, and Rebel II (tables 2A, 2B). The number of spikelets per panicle is less for Cortez II than Six Point, Crewcut, KY-31, and Rebel II (tables 2A, 2B). The length of the spikelet of Cortez II is shorter than Crewcut and KY-31 (tables 2A, 2B). The distance between the two lower most whorls is shorter for Cortez II compared to Six Point, Crewcut, KY-31 and Rebel II (tables 2A, 2B, illus. 1). The milligram weight of 1,000 seeds of Cortez II is less than Forte' and ATF804, but more than Falcon IV, Six Point, Crewcut, KY-31, and <sup>less than</sup> ~~Rebel II~~ (tables 3A, 3B). (BT: 12/18/07 per applicant's authorization) The production of dark pigmentation at the nodes is less frequent in Cortez II compared to KY-31 and Rebel II (tables 4A, 4B).

Table 1A  
2004 Morphological Data - Location 1

Cultivar	Genetic Color 1-9-scale 9=darker	Heading Date (days after April 1)	Anthesis Date (days after April 1)	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Width (mm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
Cortez II	6.78	31.25	58.00	86.73	13.13	69.83	30.53	5.25	37.28	19.83	15.30	22.38	7.68	11.58	9.70
Falcon IV	6.45	30.25	57.25	87.60	14.05	72.38	30.23	5.38	35.45	20.30	14.63	22.15	8.03	10.05	9.08
Six Point	6.43	29.50	57.50	94.43	14.38	74.58	32.23	6.05	40.85	21.25	17.13	24.70	8.75	12.68	10.28
ATF804	6.63	36.00	62.75	77.03	12.20	62.45	27.70	4.95	33.45	18.30	14.50	20.30	7.20	9.65	8.83
Forte'	6.45	31.75	58.25	88.78	14.30	70.18	30.30	4.98	39.60	21.05	16.15	23.58	7.78	12.53	10.20
Crewcut	5.23	32.75	61.25	98.73	15.30	76.25	37.23	7.00	46.03	23.73	18.40	29.28	9.73	15.80	11.93
Rebel II	4.15	30.75	60.25	113.53	15.75	86.20	42.50	6.73	54.38	27.93	22.43	33.28	9.88	17.90	13.88
KY-31	3.85	28.50	58.25	127.18	15.03	95.23	46.28	6.88	63.98	32.45	24.35	36.45	10.30	23.58	16.28
LSD (0.05)	0.16	1.86	1.46	4.47	1.13	4.05	2.06	0.61	3.11	1.38	1.54	1.81	0.57	1.87	0.74
CV	2.15	4.81	2.05	4.00	6.69	4.59	5.13	8.71	6.24	5.16	7.54	5.95	5.55	11.85	5.75

(ex: 12/17)

■ Cultivar under evaluation

■ Significant difference over two locations one year.

■ Significant difference over one location one year.

Measurements taken in Talbot, Oregon

4 reps; 20 plants/rep = 80 data points

Table 1B 2004 Morphological Data - Location 2

Cultivar	Genetic Color 1-9-scale 9=darker	Heading Date (days after April 1)	Anthesis Date (days after April 1)	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Width (mm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
Cortez II	6.75	24.75	53.35	92.55	17.05	70.65	32.10	3.90	42.83	20.98	17.28	29.90	6.05	15.53	11.83
Falcon IV	6.20	25.25	54.05	95.23	18.20	70.35	33.80	5.25	45.93	21.83	18.08	30.10	7.00	19.38	12.13
Six Point	6.43	23.50	53.33	101.23	19.38	77.05	36.05	4.55	47.05	23.50	19.73	32.05	6.63	17.58	12.40
ATF804	6.55	30.50	58.40	85.55	16.13	63.95	29.55	4.13	41.75	19.90	17.23	25.93	5.88	15.48	11.35
Forte'	6.60	24.00	53.33	96.25	17.68	73.60	35.10	4.18	45.15	22.38	18.45	31.45	6.00	16.98	12.23
Crewcut	5.33	28.25	57.60	107.18	19.90	78.30	40.13	4.70	55.15	25.13	21.73	37.88	7.03	23.10	14.30
Rebel II	4.15	22.50	52.85	126.05	23.60	90.08	47.10	6.18	66.45	29.73	26.15	42.23	8.35	27.70	16.33
KY-31	3.60	21.00	51.63	141.85	22.90	95.50	50.73	6.25	76.83	34.60	28.93	47.70	9.58	35.93	20.25
LSD (0.05)	0.26	2.22	1.24	5.25	1.74	4.43	2.58	0.97	3.83	1.44	1.39	1.72	0.94	3.02	0.74
CV	3.60	7.06	1.88	4.36	7.70	4.98	5.90	16.95	6.45	5.07	5.86	4.36	11.31	12.79	4.71

Cultivar under evaluation

Significant difference over two locations one year.

Significant difference over one location one year.

Measurements taken in Albany, Oregon

4 reps; 20 plants/rep = 80 data points



Table 2A 2004 Laboratory Morphological Data - Location 1

Cultivar	Lemna Length (mm)	Lemna Width (mm)	Lemna Awn Length (mm)	Palea Length (mm)	Palea Width (mm)	Glume Length (mm)	Length of Panicle from Lower Most Whorl to Tip (mm)	Spikelets per Panicle	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm)	Number of Spikelets on the Longest Whorl
Cortez II	5.43	1.40	1.38	5.95	1.23	4.48	190.18	75.25	8.00	12.90	86.63	50.78	13.25
Falcon IV	5.63	1.45	1.45	6.25	1.25	4.53	194.33	76.25	7.50	12.88	89.95	53.60	13.00
Six Point	5.60	1.45	1.25	6.10	1.33	4.45	211.48	84.00	8.25	12.93	97.38	55.58	14.75
ATF804	5.38	1.38	1.30	6.00	1.23	4.48	184.70	67.50	7.75	12.58	87.33	51.38	11.50
Forte	5.38	1.35	1.43	6.00	1.28	4.58	202.78	79.75	7.75	12.65	96.63	54.90	14.00
Crewcut	5.98	1.45	1.70	6.63	1.30	5.10	254.85	97.75	8.50	14.40	121.00	68.15	18.00
Rebel II	6.13	1.53	1.70	6.75	1.33	5.33	268.53	95.50	7.50	13.38	116.50	66.48	15.75
KY-31	6.10	1.43	1.50	6.88	1.33	5.20	287.08	99.50	7.50	13.85	115.95	73.40	14.00
LSD (0.05)	0.32	0.08	0.18	0.22	0.07	0.25	15.17	7.88	0.68	0.72	8.96	3.75	2.10
CV	4.71	4.90	10.39	2.89	4.50	4.43	5.86	7.88	7.32	4.62	7.69	5.48	12.28

■ Cultivar under evaluation

■ Significant difference over two locations one year.

■ Significant difference over one location one year.

Measurements taken in Talbot, Oregon

4 reps; 20 plants/rep = 80 data points

(BT12/18/77)

Table 2B 2004 Laboratory Morphological Data - Location 2

Cultivar	Lemma Length (mm)	Lemma Width (mm)	Lemma Awn Length (mm)	Palea Length (mm)	Palea Width (mm)	Glume Length (mm)	Length of Panicle from Lower Most Whorl to Tip (mm)	Spikelets per Panicle	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm) (BT: 12/18/05)	Number of Spikelets on the Longest Whorl
Cortez II	4.95	1.45	1.50	5.80	1.23	4.33	197.85	84.25	7.00	11.40	86.03	50.03	16.25
Falcon IV	5.23	1.50	1.53	5.93	1.23	4.45	215.45	91.75	6.50	11.53	94.28	53.75	15.75
Six Point	5.10	1.43	1.43	5.95	1.23	4.33	218.28	95.75	6.50	11.43	96.33	55.88	17.00
ATF804	5.00	1.45	1.38	5.83	1.23	4.30	185.40	74.25	6.75	11.30	83.40	47.18	13.00
Forte'	5.00	1.48	1.48	5.83	1.23	4.18	209.90	90.25	6.25	10.93	92.55	52.63	15.75
Crewcut	5.75	1.55	1.88	6.55	1.28	5.00	256.05	96.50	7.00	12.63	112.75	64.70	16.75
Rebel II	5.70	1.55	1.73	6.55	1.35	4.80	272.58	111.00	6.25	12.20	114.43	64.28	18.75
KY-31	5.60	1.50	1.58	6.70	1.30	4.95	299.45	117.75	6.50	12.58	119.93	71.55	16.50
LSD (0.05)	0.17	0.08	0.12	0.21	0.06	0.22	11.53	9.18	0.63	0.71	7.85	3.10	2.64
CV	2.68	4.52	6.42	2.94	3.92	4.15	4.34	8.11	7.92	5.15	6.88	4.69	13.38

(BT: 12/18/05)

■ Cultivar under evaluation

■ Significant difference over two locations one year.

■ Significant difference over one location one year.

Measurements taken in Albany, Oregon

4 reps; 20 plants/rep = 80 data points

# Panicle Type Inflorescence

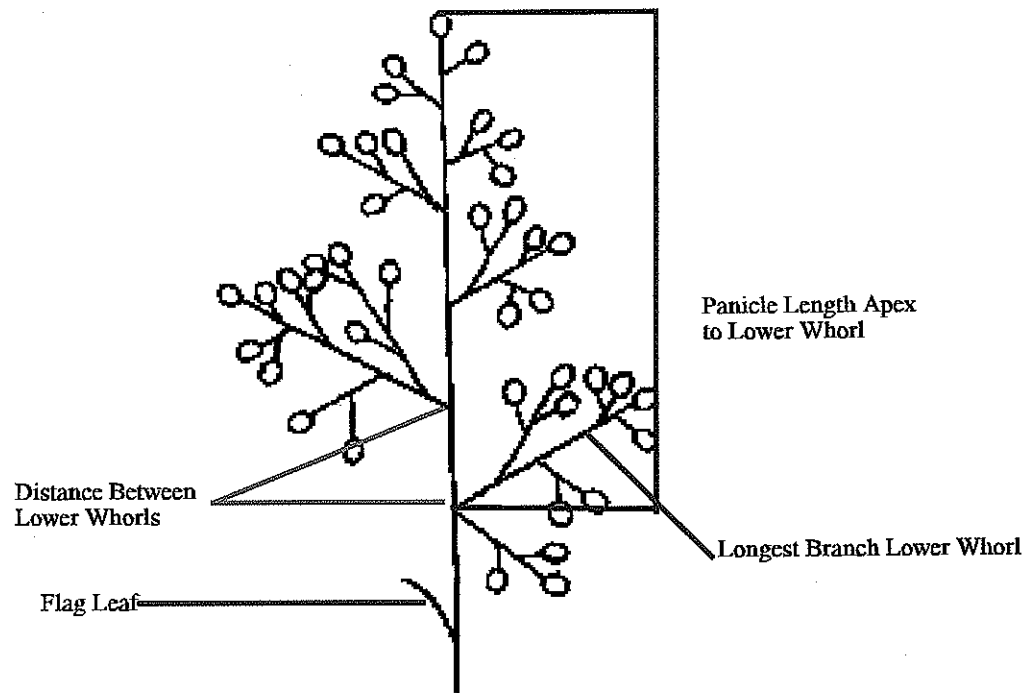


Illustration 1.

Table 3A 2004 Additional Morphological Measurements of the Panicle - Location 1

Cultivar	Growth Habit at Anthesis % Prostrate	Growth Habit at Anthesis % Horizontal	Growth Habit at Anthesis % Erect	Anther Color % Purple	Panicle Color % Purple	Lemma Awn % Present	Glume Color % Purple	Panicle Orientation % Nodding	Panicle Shape % Ovate	Panicle Type % Open	Panicle Branch Lower Whorl =1	Panicle Branch Lower Whorl =2	Panicle Branch Lower Whorl >3	Panicle Branch Pubescence % Present
Cortez II	0	64	36	0	1	99	0	3	48	48	21	71	8	1
Falcon IV	0	65	35	1	6	100	1	1	26	26	14	80	6	0
Six Point	1	65	34	4	5	96	0	0	36	36	15	84	1	3
ATF804	0	81	19	1	0	100	0	1	50	50	9	85	6	4
Forte	0	70	30	3	4	100	0	1	53	53	15	81	4	1
Crewcut	0	81	19	1	6	100	0	8	41	41	21	78	1	5
Rebel II	13	74	13	4	13	100	1	19	41	41	20	76	4	1
KY-31	16	84	0	1	5	100	0	14	44	44	13	80	7	8

Cultivar under evaluation

Significant difference over two locations one year.

Significant difference over one location one year.

Measurements taken in Talbot, Oregon

4 reps; 20 plants/rep = 80 data points

Table 3B 2004 Additional Morphological Measurements of the Panicle - Location 2

Cultivar	Growth Habit at Anthesis % Prostrate	Growth Habit at Anthesis % Horizontal	Growth Habit at Anthesis % Erect	Anther Color % Purple	Panicle Color % Purple	Lemma Awn % Present	Glume Color % Purple	Panicle Orientation % Nodding	Panicle Shape % Ovate	Panicle Type % Open	Panicle Branch Lower Whorl =1 (%)	Panicle Branch Lower Whorl =2 (%)	Panicle Branch Lower Whorl >3 (%)	Panicle Branch Pubescence % Present
Cortez II	1	89	10	4	4	96	4	6	39	39	39	54	7	0
Falcon IV	0	78	22	1	14	98	2	9	49	49	19	80	1	0
Six Point	0	83	18	6	13	98	3	3	38	38	24	75	1	0
ATF804	3	79	19	23	8	95	4	10	55	55	15	79	6	1
Forte'	3	81	16	1	8	96	1	6	41	41	15	82	3	0
Crewcut	0	95	5	5	8	99	4	4	54	54	14	85	1	3
Rebel II	4	81	15	3	6	100	3	16	33	33	23	76	1	1
KY-31	8	89	4	3	6	88	5	34	38	38	5	90	5	4

■ Cultivar under evaluation

■ Significant difference over two locations one year.

■ Significant difference over one location one year.

Measurements taken in Albany, Oregon

4 reps; 20 plants/rep = 80 data points

200500095

Table 4A 2004 Additional Morphological Measurements - Location 1

Cultivar	Anthocyanin Present in the Leaf Blade % Purple	Leaf Blade Margin Roughness to the Touch % Smooth	Leaf Blade Margin Roughness to the Touch % Semi-Rough	Leaf Blade Margin Roughness to the Touch % Rough	Leaf Blade Margin Hairs % Present	Leaf Blade Auricle Hairs % Present	Lemma Hairs % Present	Palea Hairs % Present	% Distinct	Lower CI	Upper CI	Seed Weight (mg/1,000 seeds)
Cortez II	0	1	29	70	81	100	89	100	3	0.000	0.067	2343
Falcon IV	0	0	25	75	90	100	100	100	4	0.000	0.083	1847
Six Point	0	0	30	70	95	100	100	100	0	0.000	0.000	1764
ATF804	0	0	32	68	78	100	94	100	1	0.000	0.032	2505
Forte	0	0	24	76	89	100	99	100	1	0.000	0.032	2725
Crewcut	0	1	41	58	93	100	100	100	5	0.002	0.098	2176
Rebel II	0	5	51	44	96	100	100	100	23	0.138	0.322	2250
KY-31	0	5	56	39	93	100	100	100	24	0.146	0.334	1893
LSD 0.05												

■ Cultivar under evaluation

■ Significant difference over two locations one year.

■ Significant difference over one location one year.

■ Measurements taken in Talbot, Oregon

CI=Confidence Interval

4 reps; 20 plants/rep = 80 data points

Table 4B 2004 Additional Morphological Measurements - Location 2

Cultivar	Anthocyanin Present in the Leaf Blade % Purple	Leaf Blade Margin Roughness to the Touch % Smooth	Leaf Blade Margin Roughness to the Touch % Semi-Rough	Leaf Blade Margin Roughness to the Touch % Rough	Leaf Blade Margin Hairs % Present	Leaf Sheath Auricle Hairs % Present	Rhizomes % Present	Lemma Hairs % Present	Palea Hairs % Present	% Distinct	Node Color Lower CI	Node Color Upper CI	Seed Weight (mg/1,000 seeds)
Cortez II	0	8	62	30	94	100	4	100	100	25	0.250	0.155	2305
Falcon IV	0	8	62	30	94	100	1	100	100	14	0.140	0.064	1862
Six Point	0	19	58	23	89	100	5	100	100	18	0.180	0.096	1785
ATF804	0	3	73	24	94	100	6	100	100	19	0.190	0.104	2487
Forte	0	6	74	20	99	100	6	100	100	16	0.160	0.080	2711
Crewcut	0	11	66	23	98	100	4	100	100	23	0.230	0.138	2175
Rebel II	0	29	53	18	93	100	4	100	100	38	0.380	0.274	2486
KY-31	0	16	61	23	93	100	3	100	100	63	0.630	0.524	1813
LSD 0.05													

Cultivar under evaluation

Significant difference over two locations one year.

Significant difference over one location one year.

Measurements taken in Albany, Oregon

CI = Confidence Interval

4 reps; 20 plants/rep = 80 data points

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  NexGen Turf Research, LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  ATF801	3. VARIETY NAME  Cortez II
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  33725 Columbus St. S. E. Albany, OR 97322	5. TELEPHONE (Include area code)  (541) 967-8923	6. FAX (Include area code)  (541) 967-8223
	7. PVPO NUMBER  <b>#200500095</b>	

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.



According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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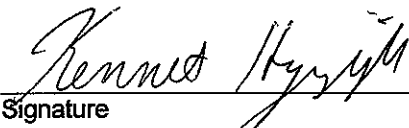
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT F  
DECLARATION REGARDING DEPOSIT**

<b>NAME OF OWNER (S)</b> NexGen Seed Research, LLC (DT: 3/18/2008)	<b>ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)</b> 33725 Columbus St. SE, Albany, OR 97322 USA	<b>TEMPORARY OR EXPERIMENTAL DESIGNATION</b> ATF801 <b>VARIETY NAME</b> Cortez II
<b>NAME OF OWNER REPRESENTATIVE (S)</b> Kenneth Hignight	<b>ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)</b> 33725 Columbus St. SE, Albany, OR 97322 USA	<b>FOR OFFICIAL USE ONLY</b> <b>PVPO NUMBER</b> #200500095

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

  
 Signature

7-17-07  
 Date